

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Kevin Jamison,

Plaintiff,

v.

Andrew Saul,¹
Commissioner of Social Security
Administration,

Defendant.

Civil Action No. 6:19-cv-1268-TMC

ORDER

Plaintiff, Kevin Jamison, brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying his claim for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”) pursuant to the Social Security Act. (ECF No. 1). This matter is before the court on the Commissioner’s unopposed motion, pursuant to sentence four of 42 U.S.C. § 405(g), seeking entry of an order remanding the case for further administrative proceedings. (ECF No. 17). Specifically, the Commissioner requests that on remand, the Administrative Law Judge give further consideration to the disability ratings of the Department of Veterans Affairs with consideration of any supporting evidence underlying the ratings (20 C.F.R. §§ 404.1527 and 416.927); give further consideration to the Plaintiff’s maximum residual functional capacity with appropriate rationale and specific references to evidence of record in support of the assessed limitations (20 C.F.R. §§ 404.1545 and 416.945, and Social Security Ruling 96-8p); and obtain supplemental evidence from

¹ On June 17, 2019, Andrew M. Saul became the Commissioner of Social Security. Pursuant to Fed. R. Civ. P. 25(d), he is automatically substituted for Defendant Nancy A. Berryhill, who was the Acting Commissioner of Social Security when this action was filed.

a vocational expert to clarify the effect of the assessed limitations on Plaintiff's occupational base (Social Security Ruling 83-14). Further, the Commissioner requests that on remand, before relying on the vocational expert evidence, the Administrative Law Judge elicit a reasonable explanation for any conflicts between the vocational expert evidence and the Dictionary of Occupational Titles (Social Security Ruling 00-4p). The Commissioner further requests that the court enter a final judgment by separate order.

Plaintiff consents to the motion to remand. (ECF No. 17 at 2).

Accordingly, the court **GRANTS** the motion to remand (ECF No. 17). The Commissioner's decision is **REVERSED**, pursuant to sentence four of 42 U.S.C. § 405(g), and this action is **REMANDED** to the Commissioner for further administrative proceedings, including those set forth above. The Clerk of Court is directed to enter a final judgment by separate order.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

December 10, 2019
Anderson, South Carolina